

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
BIRMINGHAM DIVISION
FILED
MAY - 5 2016
VIVEK SHAH, pro se,
Petitioner, Criminal Action Nos.: 5:12-172
v. 5:13-127
TERESA L. DEPPNER, CLERK
U.S. District Court Civil Action No.: 5:15-7542
UNITED STATES, Southern District of West Virginia
Respondent.

SECOND SUPPLEMENTAL BRIEF IN SUPPORT OF MOTION TO INVALIDATE
PLEA-AGREEMENT

Petitioner Vivek Shah, pro se, files this second supplemental brief in support of his Motion to Invalidate Plea Agreement, Doc. 120, because he has just discovered a decision of the Fourth Circuit Court of Appeals, United States v. White, 2016 U.S App. LEXIS 183, No. 14-4375 (4th Cir. 2016). The digital law library at Petitioner's prison law library was updated on or around March 3, 2016, at which time Petitioner discovered White, which was not previously available to him.

Petitioner incorporates by reference all arguments in his Second Supplemental Brief in Support of Motion Under 28 U.S.C. § 2255 (filed simultaneously with this brief) with respect to White's definition of "intent to extort," "intent to threaten," and arguments of innocence, in support of his arguments that the purpose of the plea agreement has been frustrated and that mutual mistake invalidates the plea agreement, with due application to the law stated in his original Brief, Doc. 121. Since it would be a duplicitous and redundant of a task to repeat the same arguments made in the Second Supplemental Brief in Support of Motion Under 28 U.S.C. § 2255 in this brief, this brief is purposely short to avoid superfluity.

Dated: April 1, 2016

Respectfully submitted,



VIVEK SHAH
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CERTIFICATE OF SERVICE

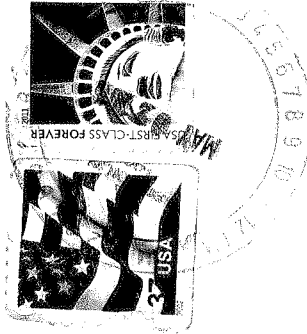
I certify that a true and correct copy of the foregoing was deposited in my institution's mail system, by first-class U.S. mail (in a properly addressed envelope with first-class postage duly paid) to the U.S. Attorney's Office for the Southern District of West Virginia on April 1, 2016.



VIVEK SHAH

Executed on April 1, 2016

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DATE: 4-30-16

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